IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE THIRD DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI DEVINDER GUPTA,THE CHIEF JUSTICE

and
THE HON'BLE MR JUSTICE C.V.RAMULU

WRIT PETITION NO : 19856 of 2004

Between:

Andhra Pradesh Schedule Caste Welfare Association, District Branch Chittoor Reg. No. 5/16, rep by its General Secretary, Duggani Jayaram S/o D. Siddaiah R/o D. NO. 4/731, Bound Street,
Greamspet, Chittoor District

..... PETITIONER

AND

1 The Joint Collector, Chairman, District Level Scrutiny Committee. Chittoor, Chittoor District.
2 The Revenue Divisional Officer, Chittoor, Chittoor, Chittoor District
3 Deputy Commissioner of Commercial Taxes Chittoor, Chittoor district
4 Commissioner Commercial Taxes. Nampally Station Road, Hyderabad
5 Sri S. Sankaraiah Assistant Commercial Tax Officer (ACTO), Chittoor Division, Chittoor District.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ or order or direction more particularly one in the nature of Writ of Mandamus directing the 1st respondent to conduct enquiry against the 5th respondent and declare his social status and further direct the 4th respondent not to consider the case of the 5th respondent for promotion, seniority etc., under Scheduled Caste Category, pending enquiry by the 1st respondent.

Counsel for the Petitioner: MR.P.VENUGOPAL

Counsel for the Respondent Nos.1 and 2: GP for Social Welfare

Counsel for Respondents 3 and4: Mr. A.V. Krishna Koundinya, SPL. S.C. for Commercial Taxes

The Court at the admission stage made the following Oral Order: (per Sri Devinder Gupta,CJ)

Andhra Pradesh Schedule Caste Welfare Association, Greasampet, Chittoor District is the petitioner and it has filed this petition through its General Secretary complaining inaction on the part of the respondents 1 to 4, particularly, Respondent No. 1, in not paying heed to its representation wherein the petitioner has complained that Respondent No.5 has obtained employment on the basis of a false Caste Certificate as S.C., though he belonged to Jangama Caste, which falls under BC-A group. It was further alleged that the 5th respondent obtained employment on the basis of a false Caste Certificate obtained by him as Beda Jangama, Scheduled Caste, though he belonged to Jangama Caste of BC-A category.

In such like matters, whenever question arises as regards the correctness or otherwise of a Caste Certificate, the same requires to be examined by the respondent-authorities and in the instant case, what we find from the representation of the petitioner is that that the petitioner had furnished some details on the basis of which it will be but proper for the 1st respondent to get hold of the relevant record, apply his mind, and, in case, he is satisfied that the Caste Certificate of the 5th respondent as belonging to S.C., is false, there is no reason why respondent No.1 should not proceed in accordance with law for cancelling the Caste Certificate after affording opportunity to the 5th respondent of being heard.

As the representation was sent only about a month back by the petitioner to the 1st respondent, we dispose of this writ petition with a direction to the 1st respondent to consider the representation of the petitioner and get hold of the record referred to therein and then proceed in accordance with law. In case, 1st respondent would feel satisfied about the correctness of the Caste Certificate of the 5th

respondent, it would be for him, on his being satisfied about the Caste Certificate, to take appropriate action in accordance with law. The 1st respondent will complete this exercise of examining the record and in case, any action has to be taken, the same will be initiated within a period of three months from the date of receipt of a copy of this order.

The writ petition is accordingly disposed of. No costs.

_____

DEVINDER GUPTA, CJ

Date: 3rd November, 2004

_____

C.V.RAMULU,J

Pnb

To

1.The Joint Collector, Chairman, District Level Scrutiny Committee. Chittoor, Chittoor District.

2. The Revenue Divisional Officer, Chittoor, Chittoor, Chittoor District

3 The Deputy Commissioner of Commercial Taxes Chittoor, Chittoor District

4 The Commissioner of Commercial Taxes. Nampally Station Road, Hyderabad.

5. Two CCs., to the Government Pleader for Social Welfare, High Court Buildings, Hyderabad.(OUT)

6. Two CD copies